



PORTLAND MAINE

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*Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

November 30, 2010

Erika L. Frank, P.A.
936 Roosevelt Trail, Unit #4
Windham, Maine 04062

RE: Parcel "A" – 109B-B-30 – 78 Sunset Road, Cliff Island - Donald H. Thompson & Susan Rowe, owners
Parcel "B" – 109B-B-11- 104 Sunset Road, Cliff Island – Robert Howard, owner

Dear Attorney Frank,

I am in receipt of your request for a determination letter concerning the proposed transfer of land between abutters as outlined in your submittal.

My determination is based upon a submitted, reduced survey performed by Troy F. McDonald, a licensed land surveyor, and dated 1-28-2010. Both lots are located within an IR-1, Island Residential Zone, with a Shoreland Overlay Zone. The IR-1 Zone requires a minimum lot size of 40,000 square feet for lots with public water and 60,000 square feet for lots without public water. Both lots are currently nonconforming as to lot size.

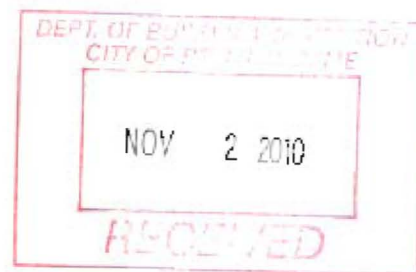
Your cover letter to me explained that the boundary dispute between parties was based upon incomplete or inconsistent deed descriptions. A compromise was reached as proposed by conveying approximately 1,563 square feet of land area from Parcel "A" to Parcel "B" as outlined on the survey.

It is my determination that the recently agreed upon deed descriptions for both of the properties are considered to be the final, accurate deed descriptions. The prior deeds were based upon incomplete and/or inconsistent deed descriptions. Therefore, the accuracy of the prior descriptions could not be relied upon, including the underlying lot size. The agreed upon, revised descriptions would not create parcel "A" to become any more nonconforming since the original lot size was in question. It is my determination that no Land Use Zoning laws would be violated with the transfer of the land as described.

It is my understanding that the lot size of Parcel "A" will be approximately 30,625 square feet after the transfer of agreed upon land. Parcel "B" will be approximately 3,598 square feet after the transfer of agreed upon land.

Law Office of
ERIKA L. FRANK, P.A.

936 ROOSEVELT TRAIL, UNIT #4
WINDHAM, MAINE 04062
TELEPHONE (207) 892-8484
FAX (207) 892-8404
ERIKAFRANK@MSN.COM



October 29, 2010

City of Portland
Marge Schmuckal, Zoning Administrator
389 Congress Street
Portland, Maine 04101

IR-1

RE: Donald Thompson/Cliff Island/Request for Determination Letter

Dear Marge:

Pursuant to our recent e-mail correspondence, I am submitting the following materials in connection with property owned by Donald Thompson on Cliff Island (Map 109-B, Lot 30):

1. Copy of a survey of properties owned by Donald Thompson at Map 109-B, Lot 30 and Robert Howard at Map 109-B, Lot 11; ^{109B-B-30} ^{109B-B-4}
2. Proposed legal description of portion of Lot 30 to be conveyed to Lot 11 to resolve disputed boundary on the northerly boundary of Lot 30/southerly boundary of Lot 11; and
3. Mr. Thompson's check in the amount of \$150.00 for the Letter fee.

Mr. Thompson (Lot 30) and Mr. Howard (Lot 11) are abutters on the oceanfront of Cliff Island. A boundary dispute has existed between the two parties due to incomplete or inconsistent deed descriptions in the original deeds, which were not based on a survey. The parties both contributed to the cost of the enclosed survey in an effort to precisely locate and define the boundary line between them. According to the survey, the boundary line for Lot 30 is further north than Lot 11's owner anticipated, resulting in his losing land that both parties had partially assumed belonged to Lot 11. To avoid a legal dispute and to clarify the boundaries for the benefit of both owners, a compromise was reached. Mr. Thompson will convey the shaded area on the survey to Mr. Howard.

Both of the lots involved are currently non-conforming lots. Mr. Thompson is seeking a determination letter from the City stating that zoning laws will not be violated if the conveyance is completed. The boundary adjustment will result in Mr. Thompson's lot becoming smaller and therefore, more non-conforming, however, Mr. Howard's lot will become more conforming by adding more area.

Please issue your determination on behalf of the City of Portland with regard to any zoning laws that this transfer may be violating. If further information is required, please feel free to call or e-mail me.

Thank you for your assistance.

Sincerely,

Erika L. Frank

Enclosures

Marge Schmuckal - Thompson/Howard Properties

From: Marge Schmuckal
To: erikafrank@msn.com
Date: 11/23/2010 2:47 PM
Subject: Thompson/Howard Properties

Erika,

I just left a voice mail on your phone. I am preparing the determination letter that you requested and I have a questions regarding the sizes of the lots involved.

Is the given lot sizes for parcel "A" (30,625 sq ft) and parcel "B" (2,035 sq ft) shown on the submitted survey before or after the transfer of land. I would like to lock in what the size of both lots will be after the transfer of land.

Thank you.

Marge Schmuckal

Meaning and intending to describe a parcel of land contained within the tie line described, approximately 1,540 square feet.

Bearings are based upon Maine State Plane Coordinate System, Grid North, West Zone 1802 on North American Datum 1983.

BAM:bam/kn

April 2, 2010

Assessor's Office 389 Congress Street Portland, Maine 04101 Room 115 (207) 874-8490

City Home Departments City Council E-Services Calendar Info

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

- Applications
- Doing Business
- Maps
- Tax Relief
- Tax Roll
- Q & A

CBL 109B B011001
Land Use Type VACANT LAND
Property Location 104 SUNSET RD
Owner Information HOWARD ROBERT
 ISLAND AVE
 CLIFF ISLAND ME 04019
Book and Page 16712/224
Legal Description 109B-B-11
 SUNSET RD 104-110
 CLIFF ISLAND
 4000 SF
Acres 0.092

browse city services a-z

browse facts and links a-z

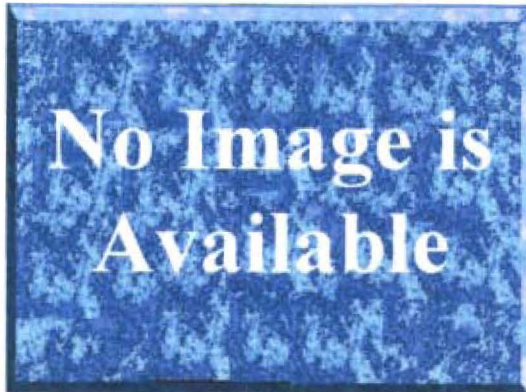
Current Assessed Valuation:

TAX ACCT NO.	15520	OWNER OF RECORD AS OF APRIL 2010	HOWARD ROBERT
LAND VALUE	\$9,700.00	ISLAND AVE	
BUILDING VALUE	\$0.00	CLIFF ISLAND ME 04019	
NET TAXABLE - REAL ESTATE	\$9,700.00		
TAX AMOUNT	\$173.82		

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



best viewed at 800x600 with Internet Explorer



109B-E-5

[View Map](#)

Sales Information:

Sale Date	Type	Price	Book/Page
9/6/2001	LAND + BUILDING	\$0.00	16712/224

[New Search!](#)

Map



Parcels

- Parcels
- Parcels
- Parcels
- Parcels
- Parcels
- Parcels

Overlay Zones

- DEOZ
- FH
- Helistop Overla
- R-7
- USM
- Shoreland Overlay Zone
 -

Zoning (continued)

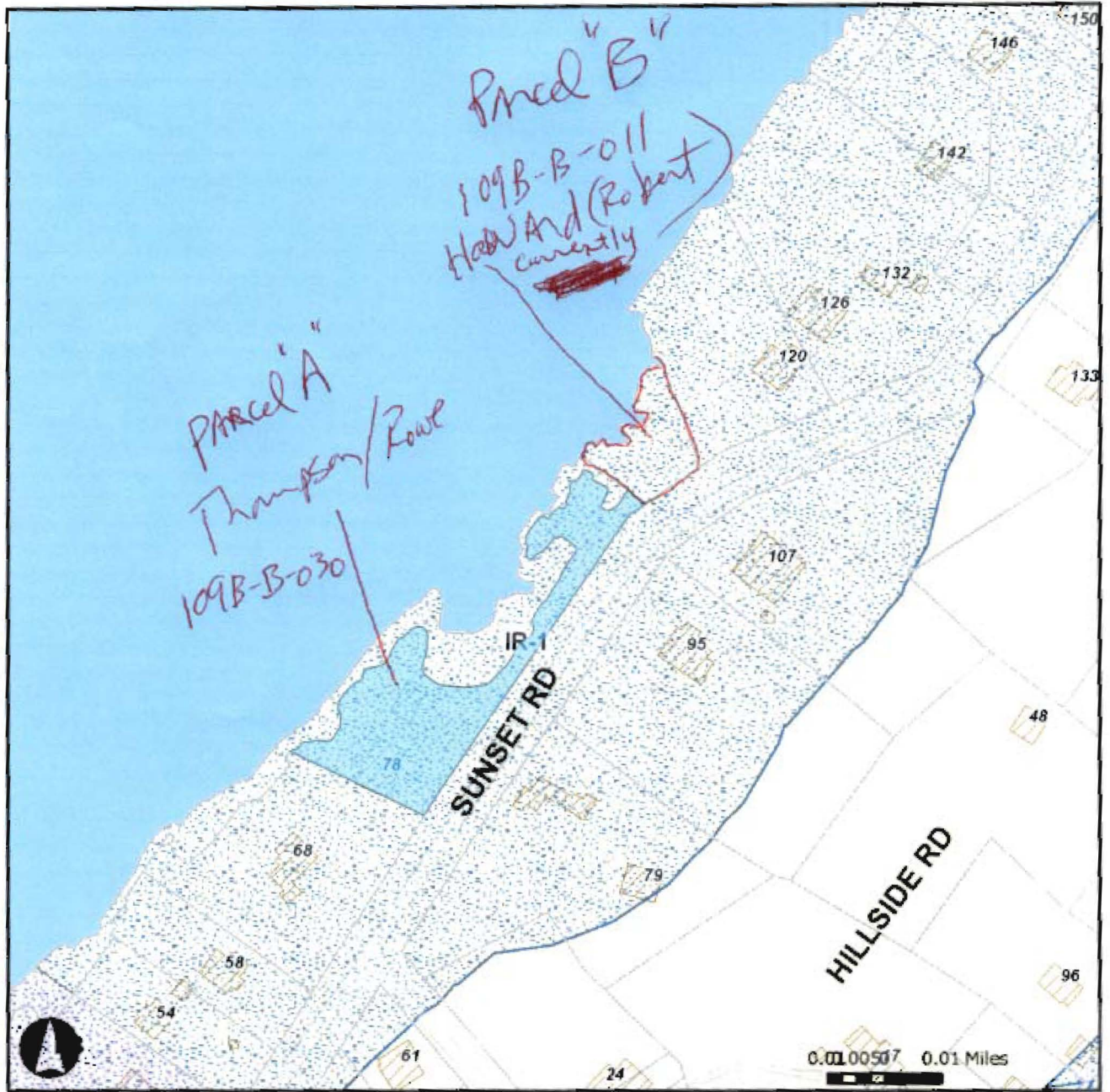
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IMb Industrial - Moderate Impact
- OP Office Park

Zoning (continued)

- C23
- C24
- C25
- C26
- C27
- C28
- C29

Cliff Island

Map



Parcels



Parcels



Interstate



Streets



Buildings



Shoreland Overlay Zone



Stream Overlay Zone



Stream_protection

Island Zoning



C43

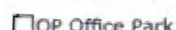


I-B



I-TS

Zoning (continued)



OP Office Park



R1 Residential



R2 Residential



R3 Residential



R4 Residential



R5 Residential



R6 Residential

Zoning (continued)



C23



C24



C25



C26



C27



C28



C29



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

11.3. 2010

Received from

Donall Thompson

Location of Work

Cliff Iske

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 150

Building (IL) ___ Plumbing (I5) ___ Electrical (I2) ___ Site Plan (U2) ___

Other Zoning Determination

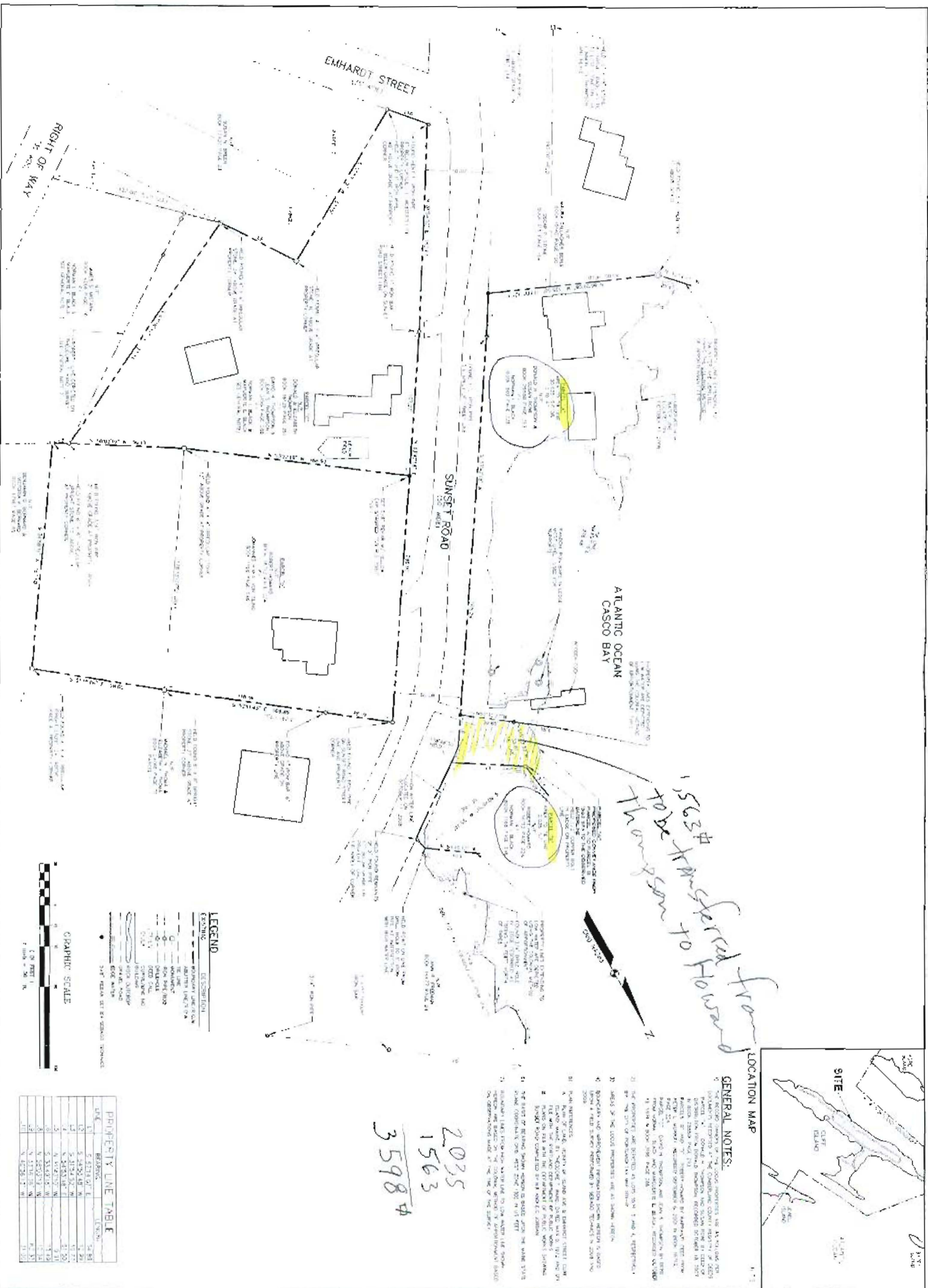
CBL: 109-B-30 & 109-B-11

Check #: 2836 **Total Collected \$** 150

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: S. J. [Signature]

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy



1563# transferred from Thompson to Howard

*2035
1563
3598#*

GENERAL NOTES:

1. THE RECORD OWNER OF THIS LOCAL PROPERTY IS AS SHOWN ON THE PLAN.
2. THE RECORD OWNER OF THIS LOCAL PROPERTY IS AS SHOWN ON THE PLAN.
3. THE RECORD OWNER OF THIS LOCAL PROPERTY IS AS SHOWN ON THE PLAN.
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9. THE RECORD OWNER OF THIS LOCAL PROPERTY IS AS SHOWN ON THE PLAN.
10. THE RECORD OWNER OF THIS LOCAL PROPERTY IS AS SHOWN ON THE PLAN.

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	EXISTING
(Symbol)	PROPOSED
(Symbol)	...



PROPERTY LINE TABLE

LINE	BEARING	LENGTH
1	S 89° 15' 00" E	124.81
2	S 89° 15' 00" E	124.81
3	S 89° 15' 00" E	124.81
4	S 89° 15' 00" E	124.81
5	S 89° 15' 00" E	124.81
6	S 89° 15' 00" E	124.81
7	S 89° 15' 00" E	124.81
8	S 89° 15' 00" E	124.81
9	S 89° 15' 00" E	124.81
10	S 89° 15' 00" E	124.81

BOUNDARY SURVEY
THOMPSON AND HOWARD PROPERTY
 SUNSET ROAD, PORTLAND, MAINE
 FOR
THOMPSON
 CLIENTS QTY, STATE ZP
 RECORD OWNER
 OWNER
 OWNERS STREET
 OWNERS CITY, STATE ZP

Sebago Technics
 Engineering Expertise You Can Build On
 One Chapel Street
 Westbrook, ME 04090-1338
 Tel: (207) 866-0277
 www.sebagotechnics.com

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
0658	546		MEK	BAF

DATE	SCALE
06/20/20	1" = 20'

ISSUED FOR CLIENT REVIEW

THIS PLAN SHALL NOT BE APPLIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS WITHOUT WRITTEN PERMISSION SHALL BE AT THE USER'S RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

STATE OF MAINE
 TRACY MACDONALD
 REGISTERED LAND SURVEYOR